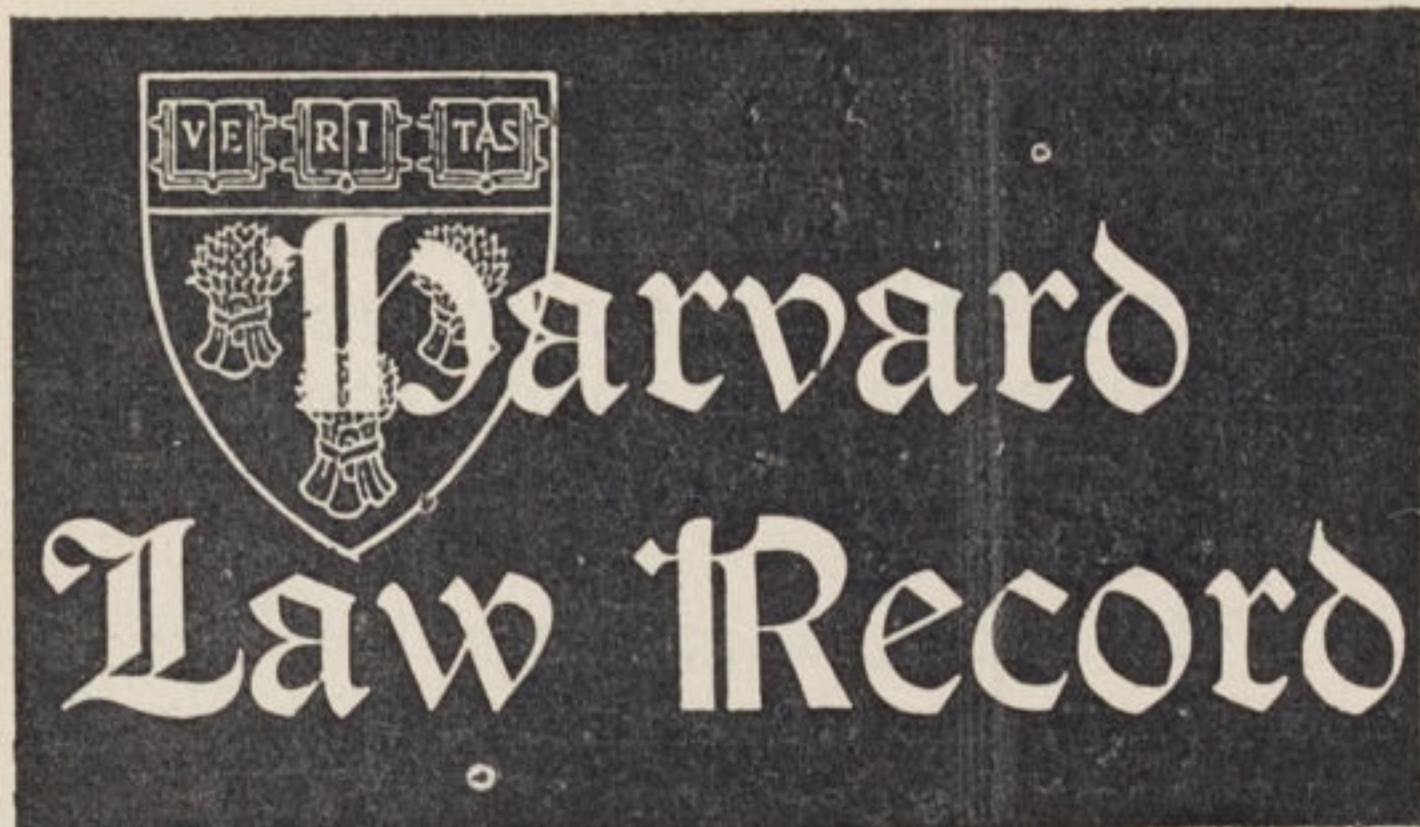




America's Oldest Law School Newspaper

VOL. 41 NO. 3

CAMBRIDGE, MASS.

FIFTEEN CENTS

OCT. 15, 1965

Board Re-films Old Epic

By Jack B. Jacobs

The Ames Competition has begun, and once again Langdell Library is the scene of crowds of students surrounded by tall stacks of official reporters. Behind the scenes, the Board of Student Advisers has completed one major project — a new booklet — and is busy working on a second — a new motion picture.

(Continued on page 10)

Peck to Leave HLS As Deans Shift Jobs

By Michael Lowenberg

Top administrative posts at the Law School will be reshuffled as a result of the decision of Secretary Russell H. Peck to leave Harvard at the end of this semester to assume the position of Clerk of the United States District Court in Massachusetts. Most of Mr. Peck's present duties will become the responsibility of Assistant Dean William L. Bruce, and much of the administrative work presently coordinated by Dean Bruce will be assumed by Assistant Dean John P. Wilson.

The changes were announced by Dean Erwin N. Griswold at a recent faculty meeting.

As Secretary of the Law School, Mr. Peck is in charge of the Dormitory Office and of overseeing all student records and the operations of the Registrar's office. He is responsible also for preparing class and examination schedules and the minutes of the faculty meetings. In addition he is the general editor of the Law School *Catalogue*, the *Bulletin*,

(Continued on page 4)

Connor Lauds Private Enterprise

By Paul M. Branzburg

Secretary of Commerce John T. Connor, in a speech before the Harvard Law School Forum last Friday evening, outlined the directions, problems, and consequences of American progress between now and the year 2000. The former \$129,000 per year chief executive of Merck & Co. repeatedly stressed the role which "private leadership" and "private segments of society" would play in creating a new America.

The Secretary, a 1939 Harvard Law School graduate, first confronted his Ames Courtroom audience with the proposition that American aspirations for the next three and one-half decades were "revolutionary in scope."

"What we propose to build is nothing less than a society which is free from poverty and ignorance," he said. "We are not content simply to develop mechanisms for treating these problems. We intend to eliminate them at their roots, by eradicating their causes. No other nation has ever had the audacity to attempt such an objective."

(Continued on following page)



Secretary Connor

Secretary Connor

(Continued from preceding page)

Noting that our political revolution of 1776 has been "adopted" by other nations throughout the world, he argued that "we were the first nation to export a revolution. The difference, and it is a significant difference, is that we do our exporting by the example we set, and not by subversion, intrigue, and terror."

Portraying the America of 2000 in broad strokes, Secretary Connor predicted that Americans will be "relatively free" of physical and mental diseases, that nuclear power will be commonplace, and that we "will manage and control our physical environment in such a way that clean water and air are available" to meet all of our needs.

'Drudgery-type Activities'

"Education will be a continuing part of everyone's life, its availability limited only by a person's needs, desires, and ability," he said. "We will also move to exploit the natural resources of the oceans through sea farming and sea mining."

A new technology and economy will offer "a higher level of income, and a higher standard of living," together with an elimination of many "routine, drudgery-type activities." The trend towards an ever decreasing amount of time in a person's life which is dedicated to productive labor will continue.

"Clearly, there will be consequences in the political life of the nation when we reach the point at which most of the population of voting age are not members of the labor force, either because they are still in school, or because they have accepted early retirement," the Secretary noted. "Until recent times, the bulk of political appeals lay in economic issues. We may be facing a completely new situation in this respect in the future. The first waves of this trend are already upon us. The most recent political campaigns have turned not upon bread and butter issues, but upon such questions as our position in the world at large, the national spirit, and our ability to live up to our national potential. Other issues will no doubt appear in future years."

Secretary Connor then addressed himself to the question of whether or not "the motivations and rationale of a private economy [are] compatible with the needs of all the people? Is private leadership broad enough and far-sighted enough to encompass within itself the aspirations of a nation?" His answer was affirmative.

"It is fallacious to assume that wherever we are going, the Government will somehow get us there," he declared. "The assignment of [producing goods and services] to private industry is basic to our thinking."

An Island of Affluence

"Private segments of society," he argued, must be allowed "to play a leading role in devising ways to export our new world to countries around the globe. It would be the height of folly to imagine that we could long remain an island of affluence in a world-sea of poverty. . . Private groups. . . were exporting American know-how and ideas long before the Government entered the field."

Although Secretary Connor emphasized the importance of the role which private enterprise must play in building the America of 2000, he found no contradiction in stating that "it is as naive to think that business interests and public interests always coincide, as it is to think that they always collide."

The Profit Motive

The major industries "will not have to give up their own value systems, or the primary rationales that motivate their activities. They are not expected to submerge their decision-making processes into some larger, national decision-making machinery. They are not asked to forego their responsibilities to their own clientele—whether this be stockholders, union members, religious followers, financial supporters, or whatever special group may be involved."

The onetime director of General Motors and General Foods resolved the apparent conflict between business interests and public need by noting that "business and Government are now partners in shaping the economic future of the nation, and that if conditions require Governmental action, action will be taken."

After Secretary Connor's speech, panel-
(Continued on page 4)

Profs Rip Katzenbach On Coleman Trial

By Brian Sweeney

Professor John H. Mansfield, in a recent radio discussion with Professor Mark DeWolfe Howe, said that "the acquittal of Mississippi sheriff Thomas L. Coleman marks a breakdown of the proper notion of what a jury trial is supposed to be. That is what leads us to attempt radical solutions to the problem."

The discussion, entitled "Justice in Southern Courts," was held at 7:00 Sunday evening. It was part of the Harvard Radio Forum, a regular feature of Station WHRB.

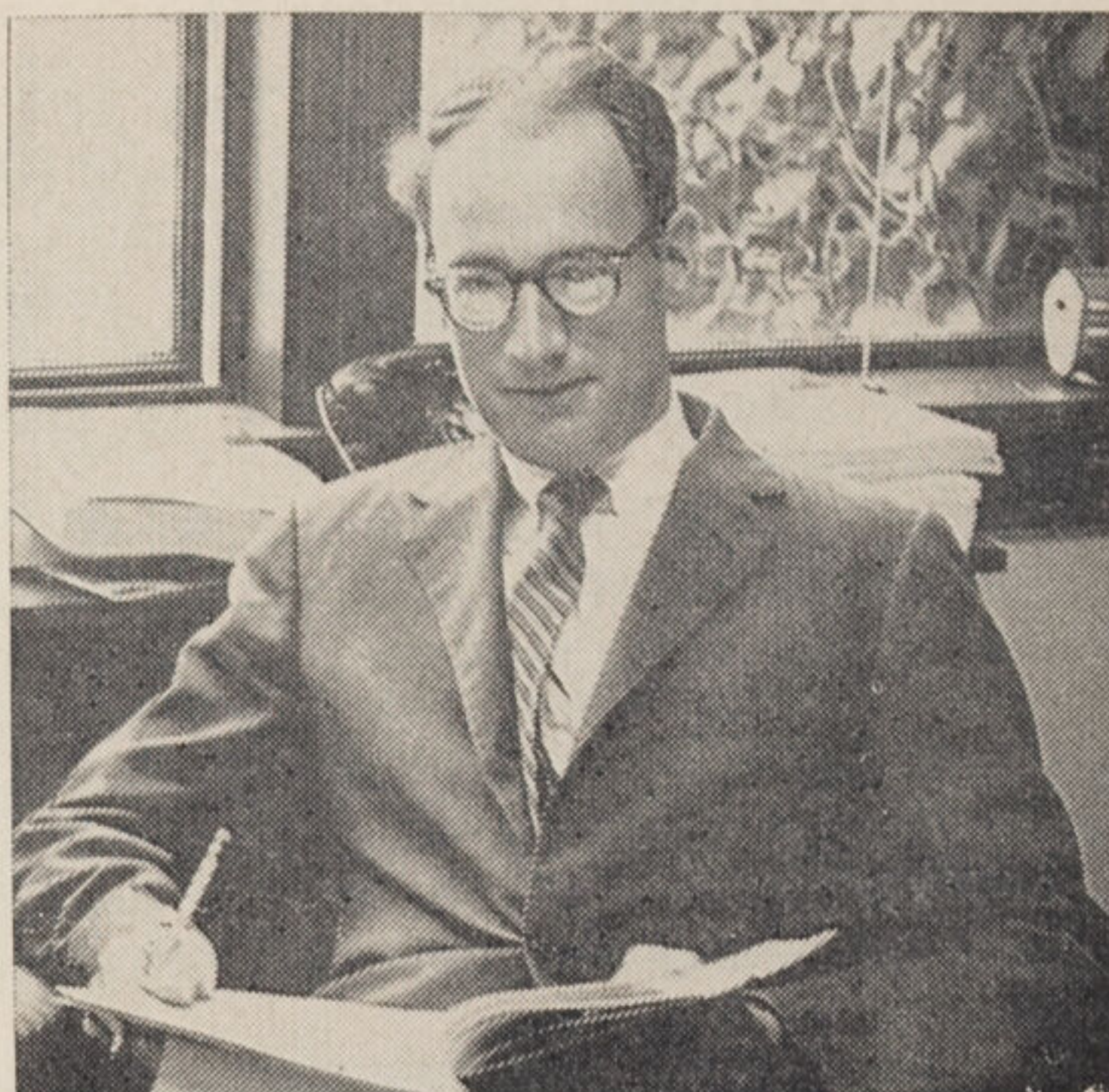
Both professors agreed that Attorney General Katzenbach's reaction to the acquittal "displayed a callousness and indifference that was close to outrageous." The Attorney General had said, "I think this type of result is to be expected from time to time. This is the price you pay for the jury system. I don't think it is too high a price."

"The disheartening thing," said Prof. Howe, "is that there is such little action by the Justice Department under existing laws, and no efforts on their part to propose new legislation which would correct some of these things."

Prof. Mansfield remarked that there is a federal interest in seeing that state laws are observed. He proposed new legislation to allow the removal to federal courts of cases similar to the Coleman prosecution.

Prof. Howe stated that since the entire process by which Coleman was tried was such a complete corruption of justice, it may still be possible for the Alabama Attorney General to initiate a new proceeding in another part of the state. Also he discussed the constitutionality of a proposed federal statute dealing with the qualifications of jurors in state proceedings.

After the discussion, Prof. Mansfield added that the Justice Department's lack of initiative is due to its attempt to be impartial, and its hesitancy to become identified with the civil rights movement. "But," he said, "when federal rights are being infringed the government ought not to be impartial. Rather it should take the initiative."



Prof. John H. Mansfield

Professors Mansfield and Howe expressed the conviction that the visible presence of federal agents would markedly lessen the chances of violence similar to that which led to the slaying of Jonathan Daniels.

ILC Offers Summer Jobs

The Law Exchange Program of the International Law Club has launched its 1965-66 efforts to provide summer legal positions abroad. Now in its sixth year, the program has placed between ten and fifteen Harvard Law Students in legal jobs in foreign countries every summer.

Last year the participants worked in eight nations ranging from Western Europe to Mexico to Japan. The program also places foreign graduate students with law firms in major cities in the United States.

The clerkships themselves vary greatly in salary, work involved, and living conditions. Generally the foreign firms pay a "living wage" and will help arrange accommodations but leave transportation costs to the student. The work ranges from special projects and memoranda writing to "just tagging along" with foreign lawyers to see what their practice is like.

Students interested in applying for a position can obtain a firm from Mr. Leininger's secretary in ILS.

Secretary Connor

(Continued from page 2)

ists Dr. Karl Kaysen, Associate Dean of the Faculty of Public Administration, and Dr. Dan Throop Smith, Professor of Finance at the Harvard Business School, were invited by moderator Lars G. Sandberg, head tutor in the department of economics, to make some comments.

Prof. Smith, a Deputy-Secretary of the Treasury from 1957 to 1959 and an ardent Goldwater advocate, remarked to Secretary Connor, "I hope, sir, you will not be contaminated in Washington if it becomes known that a Goldwater supporter did not jump all over your speech. I have no substantial differences of opinion with what you have said."

Prof. Kaysen predicted that "the line between the profit-making and the non profit-making business will disappear. A new variety of non profit profitable organization and profitable non profit organization will become the new variety."

Voluntary Guidelines

In answer to a question from the audience, Secretary Connor defended the present system of voluntary guideline controls for capital investment abroad.

"The fact is," he said, "that it is working very successfully. Businessmen in 600 firms working with us are taking almost all of our suggestions. I think that any conclusion that the voluntary limited investment program is not meeting with support in the business community is wrong — just wrong. It cannot be solved with mandatory controls — which I think would wreck the whole program."

Commenting on a question about trade with communist nations, Secretary Connor said he was opposed to trade with the Chinese Communists because "we are actively engaged in war with them and their agents in South Vietnam."

Prof. Smith was against trade with any of the communist nations because of a "concern with anything which puts them in a position to divert resources to other things like subversion abroad. I am concerned with strengthening those who are our avowed enemies."

Prof. Kaysen retorted that "Prof. Smith is in error — factually." He agreed with Secretary Connor that such a policy would simply be "cutting off our noses to spite our face."

Replied Prof. Smith: "I am much more concerned with principle than profit."

A student questioner, referring to the periodic "peace scares" of recent years, inquired about the plans of the Great Society in case of peace.

Secretary Connor answered with a grin: "In preparing my paper, I only looked ahead 35 years."

The audience found this very amusing.

Administration Shift

(Continued from page 1)

the *Handbook for Entering Students*, and various other pamphlets.

Dean Bruce will continue to administer the financial aids program and will assume all of the Secretary's duties except responsibility for the publications, which will devolve upon Dean Wilson.

Dean Wilson will work with the alumni placement and law clerkship programs, and will take over Dean Bruce's present role of coordinating all important regular and special events and assisting Professor Robert E. Keeton in administering the teacher placement program. He will no longer assist Vice Dean Louis A. Toepfer in the administration of the admissions office.

Mr. Peck graduated from the Law School in 1950 and was appointed Associate Dean with "various and sundry" duties. After serving as director of the Placement Office for several years, Mr. Peck became Secretary in 1959. His feelings on leaving the Law School are "distinctly mixed . . . I have been very happy here for quite a few years — it's hard to leave it."

When Mr. Peck's resignation takes effect on January 1, are there any plans to add to the administrative staff? "I don't know the answer to that question," said Dean Toepfer. "We are trying to come to grips with the administrative problems of the school and . . . it's still a little fluid. Additional administrative help is one of the things we will have to be on the watch for," he added.

Rep. Frazer Prods U.N. to Employ Force

By H. Peter Young

Congressman Donald Fraser, already tagged as "controversial" for his staunch opposition to stepped-up military operations in Viet Nam, has turned on the United Nations, charging that its performance in international crises has been weak-kneed.

The U.N. will have to "flex its muscles" occasionally if the rule of law is to hold sway



Rep. Donald Fraser

on the international front, the Minnesota representative told Law School Democrats Friday.

Fraser, who will air his views at next month's White House Conference on International Cooperation, pointed to the Kashmir dispute as "a classic example" of the U.N.'s reluctance "to join the application of force with an adjudication on the ultimate merits of political issues."

The U.N. endorsed a procedure for ending the Kashmir struggle 16 years ago, the former Minneapolis attorney noted, but it has never acted to enforce a plebiscite — and the result has been "a festering sore on the subcontinent of Asia."

Certainly, he declared, "it would be a thousand times easier for India to give way to a determined U.N." than to an armed neighbor — Pakistan.

Fraser, who sits on the House Foreign Affairs Committee and heads the Democratic Party's foreign affairs caucus, said the U.N. has shown "an ability to stop fighting," but has failed to "enlarge its capacity to resolve issues."

"It is not always true," he noted, "that the use of force is wrong or immoral."

French President Charles de Gaulle and the Soviet Union might not be prepared to "let the U.N. face world realities" and assume a more forceful role in settling disputes, the second-term Congressman pointed out. "But the U.N. can always skin the cat by asking the people involved to take a position."

And, he declared, the U.N. should back up — with force, if necessary — such popular expressions.

"Some of us," he added, "are too sophisticated about the ability of backward peoples to make intelligent use of the ballot box."

"Even in the context of its present limited ability to use peace-keeping forces," Fraser said, "the U.N. could ask for an expression by the South Vietnamese people as to what they want. It might not work, but it's a procedure the U.N. could enforce."

The Minnesota Congressman criticized the U.S. for "forgetting that the fundamental issue is the right of people to make their own decisions" when it intervened in the Dominican Republic to prevent an alleged Communist take-over.

The U.S., he declared, would have "come out of the Dominican Republic on a much higher moral level" if it had publicly pointed out that "revolutions are not necessarily an expression of self-determination, gone in to stop the fighting, and asked the U.N. or the Organization of American States to give the people a fair chance at self-determination."

Fraser proposed that the U.S. "dramatize its commitment to international organization" by offering to give the U.N. proprietary interest in the badly-needed second Panama Canal. "We could maintain the present canal," he said, "as long as our security regulations demand it."

The University of Minnesota Law School

(Continued on page 14)

Faculty Group Brings U.S. Law to London

By Gregory R. Smith

Six Harvard Law School professors travelled to London this summer and spent two weeks in a novel program of Anglo-American mutual education. The 12 day program was called the Harvard-University of London Summer Program and was created with the hope that attorneys of different nations might learn to comprehend one another's legal problems.

The Harvard contingent consisted of Dean Griswold and Professors Sacks, Loss, Vorenberg, Vagts, and Bok. They taught courses in the federal system, British citizens and British com-

panies doing business in the USA, conflict of laws, anti-trust law, and the control of crime. The courses were, according to Prof. Vagts, "intended for barristers, solicitors, and law teachers."

The enrollments in the different courses ranged from 10 or 15 in criminal law and creditors' rights to about 70 in anti-trust Law. These two courses, with specific practical interest for the British, seemed to draw the largest audiences.

Although the turn-out for the program was not exceptionally large, there was a general feeling that those present were "pleased

with what they had learned," said Prof. Vagts.

Besides the course offerings, various other activities were combined into the program. The Dean and Prof. Sacks gave two lectures on civil rights which were open to the public and well attended.

Prof. Vagts believes that the HLS group received "a more rapid and intensive introduction into the world of English law than we could ever have managed on our own. A relatively small group of Englishmen derived, one hopes, a fair amount from a brief but intensive exposure to ideas about American law."

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No RECORD Next Week

The New England foliage is out; the golds, reds, and browns are rustling gently in the crisp but always stimulating October breeze. Consequently, the RECORD will not publish next week as the editors make their annual pilgrimage to Walden Pond and the birthplace of John Adams.

Announcements for the Events of Note column in the October 28 issue must be submitted by the evening of Sunday, October 24.

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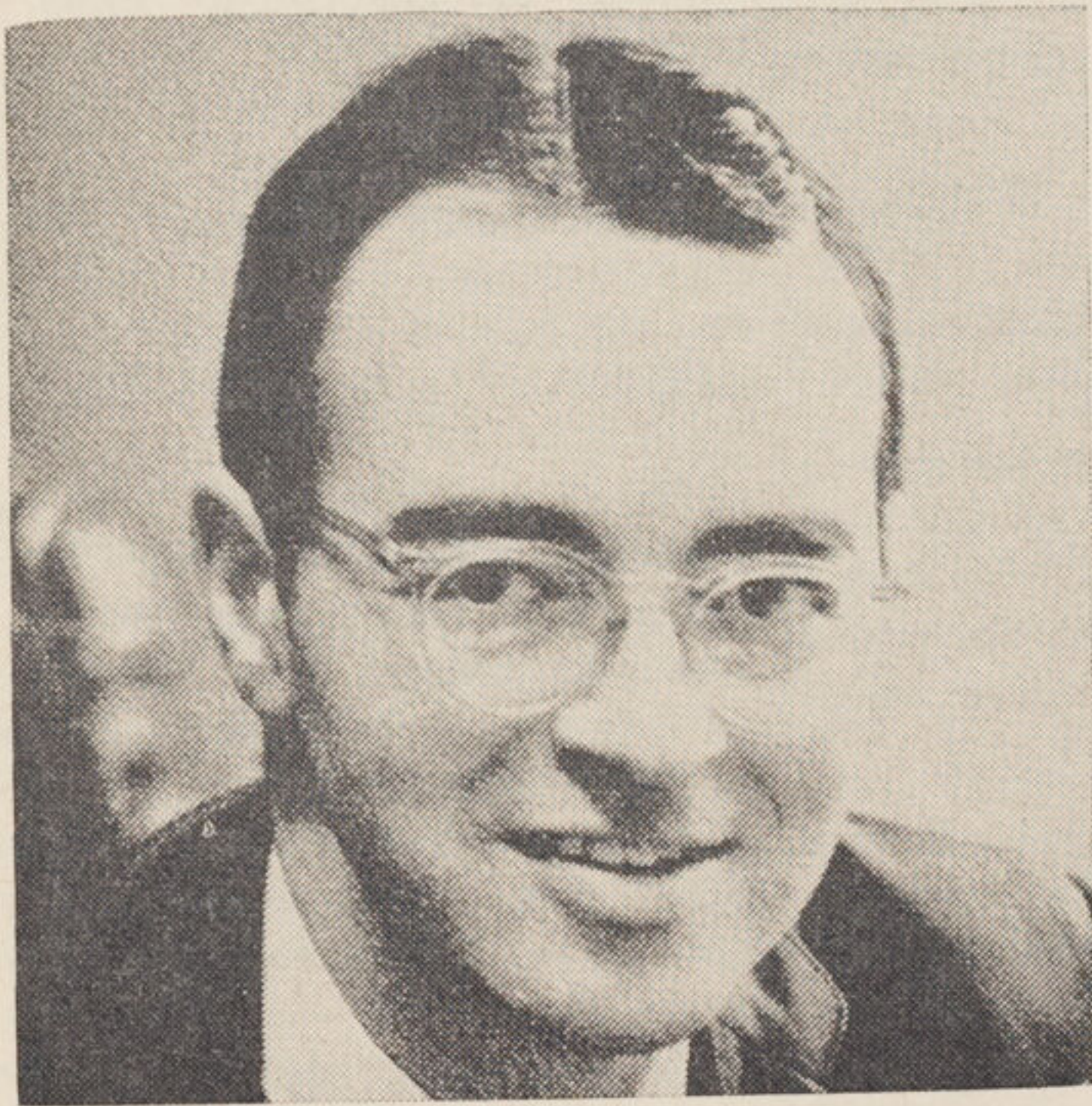
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New Prof to Publish Cardozo Biography

By James W. Eighmie

The distinction of having published the first biography of Justice Cardozo that deals extensively with his legal career will soon belong to Andrew L. Kaufman, newly appointed Lecturer on Law at the Law School. The book, which is Mr. Kaufman's current project, will be the second full length biography of the Justice ever published.

Born in Newark, New Jersey, Mr. Kauf-



Prof. Andrew L. Kaufman

man attended Harvard College and graduated with the 1951 Class that also included Professors Areeda and Steiner. At the Law School, he was President of the Law Review and graduated in 1954 along with Professors Areeda and Bok.

After Law School, Mr. Kaufman served from 1955 to 1957 as law clerk to Justice Frankfurter. He then became associated with his father and brother John (LL.B. '49) in the family firm of Kaufman, Kaufman, and Kaufman in Newark. He comes to the Law School from this position.

This year Mr. Kaufman will teach a section of commercial transactions, a fall seminar on the supreme court and its critics, and a spring course on the supreme court and judicial review.

The Cardozo study reflects a long standing interest in the history of the Supreme Court

that was heightened by Mr. Kaufman's experience as clerk to Justice Frankfurter. These interests are further evidenced by his previous publications which include an article in *Felix Frankfurter: The Judge*, edited by Wallace Mendelson and a piece on Cardozo in *Mr. Justice*, edited by Allison Dunham and Phillip B. Kurland.

The article in the Mendelson book is a glowing account of what it meant to be law clerk to Justice Frankfurter. Mr. Kaufman tells of the warm personal relationship that developed between the Justice and his clerks who, to him, were never mere researchers, but always colleagues, associates, friends.

He recalls the heated discussions on almost every conceivable subject; the annual dinners of the law clerks, about which he quotes a former clerk as having written: "The Justice does not regard the dinners as gatherings of former apprentices to salute their old master. We are his children and heirs to whom he feels an obligation to render periodic accountings of his judicial stewardship." ; and the "stream of letters, notes, and memoranda with comments, questions and reading selections" that followed the clerk and maintained his relationship with the Justice long after their official association had ended.

Mr. Kaufman concluded: "The dedication to the present volume could well be, 'No one who knows Felix Frankfurter is the same thereafter.' "

When time permits, Mr. Kaufman enjoys playing tennis and squash. He is married, has two children, and lives with his family in Cambridge.

Coombs Heads Legal Aid

Russell M. Coombs has been elected president of the Harvard Legal Aid Bureau to fill the vacancy left when Alan B. Morison resigned to become a member of the staff of the *Harvard Law Review*.

Bruce L. McDonald was elected vice-president, the office previously held by Mr. Coombs. Other officers are secretary Lester G. Fant III; treasurer Thomas E. Vollmer; and senior director Anthony C. Kahn.

Student Government at HLS

Last week law dormitory residents elected a Dormitory Council representative for every entry of Hastings Hall and for every floor of Dane, Ames, Holmes, Shaw, and Story Halls. As the new representatives begin their weekly deliberations, they would do well to consider the growing discontent with the activities with which the Dormitory Council has become involved.

The preamble of the Harvard Law School Dormitory Association Constitution, as amended in November, 1961, clearly limits functions of the organization: "In order to promote the welfare of the Harvard Law School dormitory residents and to work together with other residents of graduate dormitories in solving mutual problems and to cooperate with the Harvard Law School administration concerning any and all problems affecting Law dormitory residents, the Harvard Law School dormitory residents do ordain and establish this constitution of the Harvard Law School Dormitory Association."

Although many of the Dorm Council's worthy activities doubtlessly fall within the preamble of their constitution, it is difficult to understand by what authority it has held mixers, a career conference, Law School shows, intramural athletic programs, and election beer parties.

Every one of these endeavors, however worthwhile, serves people other than law dormitory residents. For example, many of the men who attend our mixers have no connection with Harvard University. The Law School Show, which plainly has nothing to do with dormitory residents, will hopefully be handled by a separate organization which has appeared this year.

The Dorm Council would do well to consider changing itself into a student government representing all of the students. The new student council, following the example of the Dorm Council should elect top officers from within the council. This would eliminate the danger of students flunking out from an excess of time devoted to demonstrating their political virtuosity.

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TONGUE 'N CHEEK

By Fenno

I was quietly sipping a cup of tea in my office late one afternoon when a rather shaggy young man burst suddenly into the room. Announcing himself as J. Calvin Kaiser, 4L, he demanded if I were Fenno.

"Yes," I replied. "May I help you?"

"No, no." He looked about with a triumphal air. "No, I just wanted to see what kind of bourgeois *decadence* you people surround yourselves with. I mean, it's obvious from your paper you consider yourselves part of the *establishment*. I mean, just look at that carpet and those paneled walls! And that Renoir! Disgusting!"

"Well, it isn't much," I said modestly. "The Managing Editor has a much nicer office. He has a television and . . ."

"Television! Television! Doesn't he know that the simple songs of the Alabama hill folk are *infinitely* better than the pseudo-entertainment of the fatcat Hollywood parasites who . . ."

At this point Mr. Kaiser was seized by a sudden fit of sneezing. I quickly offered him a box of Kleenex, but he gasped something about Kleenex's being much too decadent and produced a large red bandana handkerchief.

"I'm allergic to all this bourgeois junk," he said. "I have trouble all the time."

"Maybe you have a cold."

"The only things that don't make me sneeze are Marxism and the Beatles."

"Don't Marxists consider the Beatles rather decadent?"

"The Beatles are opposed to the war in Viet Nam! You just don't *understand*. You're just like all the rest of *them*!"

He stormed out the door. I sat for a while trying to *understand*, but my mind became suddenly occupied with thoughts of a decadent hamburger covered with bourgeois onions. I hurried to Harkness.

Letters to the Editor

Crow 2L, Lances RECORD Racial Justice Editorial

To the Editor:

The RECORD's October 7 editorial, "A License to Kill," must not go unchallenged, if we want our nation's policy decisions to be made on a reasoned rather than an emotional basis, even if inspired by the disgust at what indeed probably was a deplorable miscarriage of justice in the form of the deputy sheriff's acquittal in Alabama.

My objections are primarily two: the editorial would have us reverse the trend toward fairness in our criminal law, and it bit off more than we can chew (to put it in the vernacular) in asking for federal protection for civil rights workers.

1. The United States Supreme Court has been bringing our concepts of the criminal law more and more to the consideration of justice for the accused in every stage of the accused's contact with law enforcement officers and courts. In this process of expansion of defendants' rights as we view them, the jury system has been upheld in every instance. In fact, the courts have strained at what may have been gnats to be certain a defendant's trial is not contaminated by jurors influenced by improper evidence. Yet the editorial declares authoritatively: "The final verdict, first of all, contradicts the theory of the procedural formalists, who hold that a man is not guilty of a crime unless he is convicted by a jury. . . . (V)irtually everyone . . . knew the defendant was guilty . . ."

To solve this problem of lack of law enforcement, the editorial recommends "... strong and explicit legislation punishing both private and state-supported violence aimed at terrorizing those hoping to secure federal rights."

I submit that for any federal law to be more effective than present state laws, we would run the risk of too-easy conviction.

The present state laws do outlaw murder and assault, with the problem being the apparent lack of enforcement. The solution surely could not be a duplication of those laws, so the editorialist must have intended some change in trial procedures which would assure conviction over the objections of the populace. That would require an alteration of the burden of proof, requiring the defendant to prove his innocence, or the importation of outside jurors, or the abrogation of the jury right altogether.

I fail to see how federal juries

The RECORD takes up the gauntlet and responds on page 12 to the major objections expressed in this letter. See also a related story on page 3.

are any more responsible than state juries chosen from the same locality, and I question whether outsiders would be any less biased. (Would we be unbiased toward a southern segregationist?) Are federal southern judges any less biased than southern state judges?

The editorial does not define the federal legislation it sees as a panacea, but if convictions are more easily obtained through the undefined federal means, will our country be swinging backward into practices reminiscent of the Star Chamber? It seems incongruous that easier conviction should be advocated in civil rights cases

—the very area in which we generally emphasize the individual's worth. . . .

2. I question whether it is accurate that the manpower is available to protect "every group demonstrating for federal rights," as the writer asserts; and I submit that if the manpower is available, the mechanics of it will present difficulties apparently unseen by the editorialist. It should suffice to point out that demonstrations are exceedingly numerous and varied, including small or large groups in marches, sit-ins, speeches, boycotts, picketings, and in areas throughout our nation. The problems of determining arrangements for securing officers to accompany demonstrators would include questions of how to allocate officers among those requesting them; what constitutes a demonstration which the officers are bound to protect; may any civil rights worker decide what he wants to do and demand protection; must officers be prepared for the frequent spontaneous "demonstrations" that begin with any minor incident; will certain civil rights groups be given recognition; will standards be set as to what is a federal right . . .

I am reticent to see a proposal for a national bodyguard system, with its natural tendency to increase, not decrease, tensions, and a proposal to make it easier to

(Continued on page 12)

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New Screen Classic

(Continued from page 1)

The booklet is a revision of "Introduction to Advocacy," the Board's guide to legal research and writing. Printing of the new edition is now completed. In addition, "Case in Point," the well known and ever popular motion picture about Ames, is being completely refilmed this year. Having failed to secure the services of Peter Sellers and Jean Paul Belmondo for the starring roles, the production will utilize the talents of Harvard Law students and will be filmed in Langdell Hall.

Filming will be under the direction of David Aldrich, an independent film-maker. The script is being written by members of the Board and filming is expected to commence in late November. The new movie will be ready for next September's entering class and is expected to provide stiff competition for that other Law School favorite, Dean Casner's epic "Sixty Days to a Warranty Deed." S. Steven Rosenfeld, president of the Board, has announced that frustrated actors in the Law School may achieve celluloid im-

mortality by contacting the Board.

For the first time in years there are more first-year Ames clubs to be joined than first-year students to join them. Mr. Rosenfeld attributes this success to enthusiasm and hard work on the part of last year's club presidents: "The Board must ultimately depend on club presidents to provide impetus for students to become active in Ames in their second year."

Most of the 64 first and second-year fall cases have been thoroughly revised, and many cases are new. The fact situations range from the more mundane property cases to the spicier tort problems. First-year students are now puzzling out the legal problems of the young swain who, by seducing a pretty young thing he had falsely promised to marry, contracts a venereal disease, or brooding about whether the mother of a baby allegedly deformed as a result of her using thalidomide can bring an action against the drug manufacturer.

An expected 50% of the second-year student body is participating in the qualifying rounds of the Ames Competition. This is

(Continued on page 13)

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Recent Books

Wyzanski On Legal Integrity

Whereas — A Judge's Premises. Essays in Judgment, Ethics, and The Law. By Charles E. Wyzanski Jr. Boston: Little, Brown & Co., 1964. Pp. 302. \$6.75.

By Keith S. Watson

Although Massachusetts Federal District Judge Charles E. Wyzanski Jr. is generally considered one of the most reflective and articulate members of the American bench, he has never taken the time to write a book.

Fortunately, however, his speaking duties at dinners and commencements, as president of Harvard's Board of Overseers, and as trustee of Phillips Exeter Academy, have allowed him to articulate many of his thoughts outside of the courtroom. Thus, *Whereas — A Judge's Premises* is a collection of Wyzanski's articles and speeches extending from his days as a New Deal brain-truster to the present.

They range over such topics as his views on famous judges, the future role of the legal profession, and suggestions for change at the Harvard Law School.

Nearly all of the essays express the view that a successful society is impossible without both an effective legal system and judges and attorneys of the highest moral character. "The law," he says, "is the public face radiant with awareness that it is the reflection of men's deepest and noblest ideas."

It is thus unsurprising that Wyzanski's valuation of those judges he most respects is based not merely upon their written opinions, but upon their total personalities. According to Wyzanski in his discussion of Justice Brandies, it is the latter's "moral character" which "deserves prolonged contemplation."

Wyzanski was law clerk to both Learned and Augustus Hand and

it is clear that this experience significantly influenced his concern for moral values.

Although he criticizes Learned Hand's view that the legal system and the judiciary are not the key to social progress, Wyzanski considers his former mentor a great jurist because of his "integrity, detachment, and long vision".

Yet Wyzanski does seem to concur with Hand that the power to declare legislation unconstitutional must be used with great restraint, or else the exercise of such power will "promote political appointments" to the bench.

Much of the blame for the ills of the legal profession is placed by Wyzanski on the law schools, in general, and on his alma mater, Harvard Law School, in particular. According to Wyzanski, instruction in public law courses such as labor law and anti-trust "should be based upon the premise that the most important material lies outside of judicial reports." He calls upon law schools to help develop "canons of fairness and tolerance, of orderliness and stability, of change and of growth."

Speaking to the Harvard Law School alumni in 1944, Wyzanski charges that "the overwhelming majority of present-day candidates for the LL.B. degree at Harvard receive no training in the norms or standards which they would properly take into consideration if as administrators, legislators, or lawyers, they were concerned with the exercise of discretionary power." And in conclusion he asks whether Socrates might not say our institutions bear "too close a resemblance to what ancient Socrates condemned in the Sophists of his day?"

Hopefully some day Judge Wyzanski may offer his readers the answer to this and the other questions posed by his provocative essays.

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Letters to the Editor

(Continued from page 9)

convict segregationists, at the expense of our criminal law. We all applaud the progress being made in race relations; let us continue pushing without bullying, and let us remember that we will have to live with our criminal law long after our race problems have been forgotten.

Sincerely,
Stanley D. Crow, 2L

Editor's note: By advocating the alteration of the trend in Southern courtrooms of acquitting white persons in almost every case involving racially motivated violence, the editorial did not support a departure from fairness in criminal law.

Rather, the proposal was that

in the face of overwhelming evidence there should be a fair opportunity for malefactors in racial cases to be brought to justice by an impartial jury governed by traditional safeguards.

One approach suggested would be to make more explicit the coverage of 18 U.S.C. sections 241 and 242. Trial for violation of these sections would be by a federal jury, which is selected from a much wider area than, say, a Lowndes County jury, and by a federal judge, many of whom have demonstrated a magnificent fidelity to law, e.g., District Judge Frank M. Johnson, Jr., of Alabama.

With respect to the issue of federal protection, present statutes, such as those mentioned above,

already place the Justice Department under an obligation to prevent and punish interference with the exercise of federal rights. Civil rights workers in the South know that if advance notice is given, federal officers will be at hand as "observers" for almost every demonstration in order to view private or official violence against demonstrators.

The editorial suggested that rather than observe, the federal officers be instructed to step in and make immediate arrests when violations of federal statutes occur. Further violence at the scene would be effectively terminated, and prosecution of the cases would be aided since identification of the offenders would not be a problem.

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HLS Unit Aids In Graduate Placement

By John Spitzer

Experienced graduates looking for a new job can save themselves a lot of footwork by listing with a special graduate placement service of the Law School.

"You've got to be out more than three years to qualify," explained Dean John P. Wilson, who has been in charge of the service for the past two years. "We have about 175 jobs available now and not enough men with appropriate qualifications to fill them."

Most of the firms request men with special skills to round out an expanding practice. They want someone who can fill a position right away without having to go through a training program essential for a student just out of law school.

The best chances for getting a job are for a man who has been out only a few years, as some firms are afraid to "disrupt their organization by filling in top positions with outside people." Corporations, on the other hand, do not usually have a strict seniority system and often prefer somebody who has a fair amount of experience.

Dean Wilson expressed some concern over the fact that he usually has not met the men who are seeking new jobs. "Grades aren't so important after a few years, as firms want to know what the man has *done*. We can be a lot more helpful if a man comes in personally to talk over his qualifications and what kind of position he wants."

Requests from the firms can also be too general. "It's like trying to match unknown quantities," pondered the director of the service. "We have to do everything long distance."

Success so far has been limited because of these communication difficulties. Last year 88 applicants found new jobs although not all of these men were placed directly. "It is difficult for the service to place a man unless he is actively seeking new employment and is willing to undertake the burden of following up the leads which are offered him — and developing his own leads."

Dean Wilson is optimistic that the program will be more efficient "if there is more knowledge on the part of our alumni and on the part of the firms about what we can do for

them. The more information we get, the more helpful we can be."

He added that there are also placement services in the Harvard Law School Associations in such cities as New York, Washing-



Dean John P. Wilson

ton, Philadelphia, Chicago, Los Angeles, and San Francisco. "These services have the advantage of being able to work directly with the applicants and directly with the firms. We would like to achieve more of this kind of contact."

Ames Competition

(Continued from page 10)

not a serious drop, says Rosenfeld, because an increasing number of second-year students have been absorbed into the Law School's growing honorary, service, social, and academic organizations. Still, he continued, there would have been greater participation had the club presidents instilled more enthusiasm in their members, qualifying his initial praise of club presidents.

The Board expects this year's Williston Competition to create a good deal of interest, not only because of the new drafting assignments now planned, but also because of the increasing weight practicing attorneys give to the writing and drafting abilities of job applicants.

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Rep. Donald Fraser

(Continued from page 5)

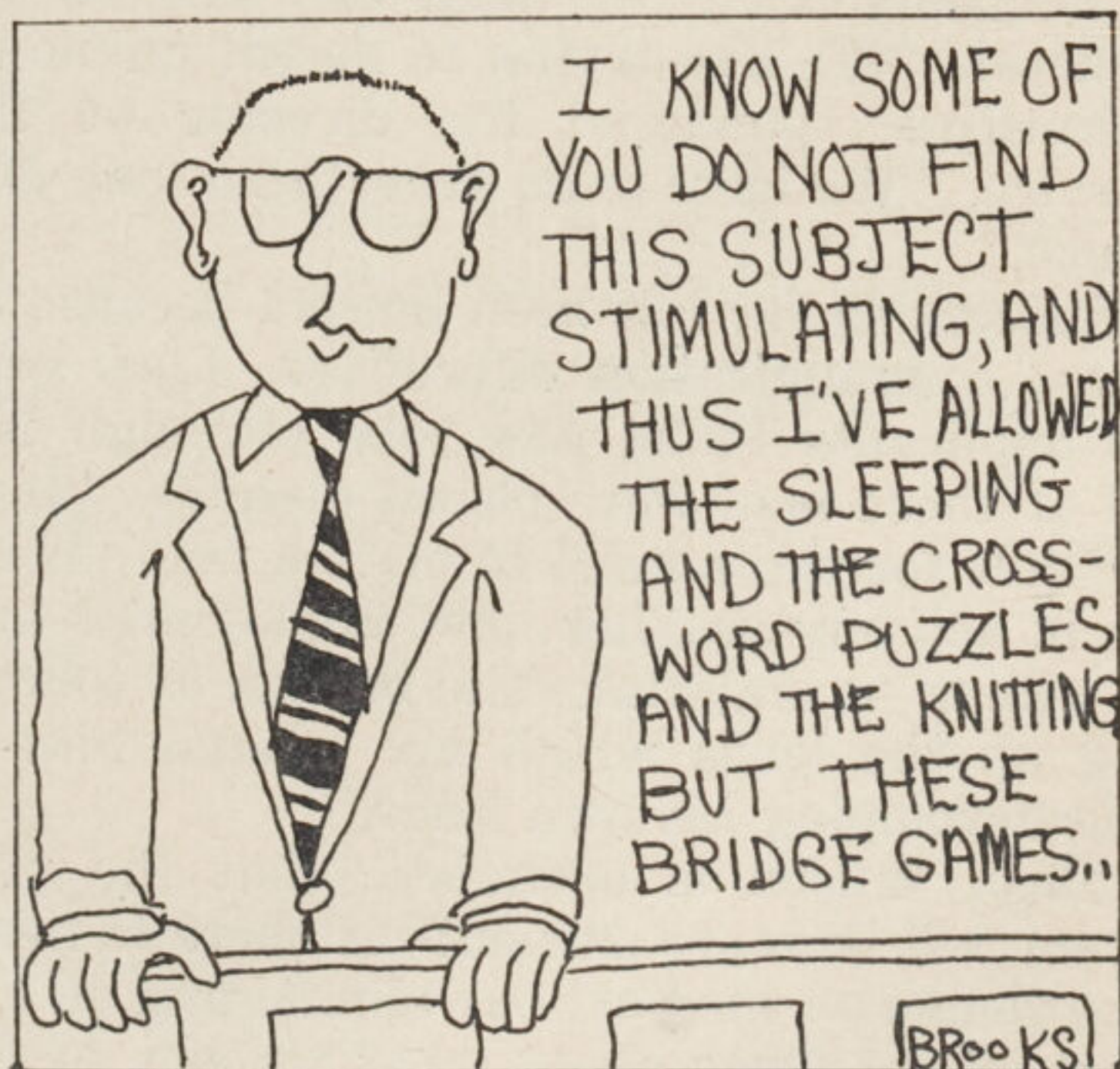
graduate also hit the U.S. for using economic assistance as a weapon to "punish" Pakistan for declaring opposition to American involvement in Viet Nam and for engineering closer ties with Red China.

Fraser — whose father is a Harvard Law School graduate and former dean of the Minnesota Law School — also commented on these questions from the audience:

— What is the Congressional attitude to the new role he proposes for the U.N.? "Congress will give it a lot of support if the President decides he wants to move that way."

— What is his stand on Viet Nam? "I have no trouble justifying the war on moral grounds, but I do on practical grounds. We've been there 11 years and our capability has not increased. I would have had the elections carried out if there had been a reasonable degree of freedom in both sectors. Breaking away as we did from the election certainly undercut our own conviction in self-determination."

— Should the U.S. reverse its position on Red Chinese membership in the U.N.? "The U.N. ought to be a universal organization. Unless the problems (of having two Chinas in the U.N.) are worked out, we're going to find the U.N. someday voting a change in credentials and Nationalist China being tossed out on its ear. The admission of Red China is not going to facilitate our search for peace. We're lucky it wasn't there during the Kashmir dispute."



Lawyer Describes Birmingham Practice

By Frank R. Parker

With a flair for the funny story, Drayton T. Scott, an attorney from Birmingham, Alabama, entertainingly opened the social season of the Southern Club on Wednesday evening, Oct. 8. Amidst the munching of pretzels and the slurping of beer, Mr. Scott revealed to his audience his varied experiences as an Alabama trial lawyer.

His stated purpose was to induce Southern law students to return to their native land after graduation. In his description of a typical Alabama large firm practice, business, skulduggery, and money were the main themes.

What's good for business is good for lawyers, affirmed the speaker, as he alluded to the potentially great prosperity of the New South. Thence followed a catalogue of the big business clients of his firm, showing that he was truly a part of the power structure and a sharer of whatever wealth it may accumulate in his state.

Beer companies, motels, and natural gas companies were among his favorite and most interesting clients. Especially the

gas companies, because it's so "fascinating" actually to watch pipeline construction in the field.



Drayton T. Scott

There were no unions in Selma, Alabama, until the civil rights movement there (always referred to as "The Racial Trouble") took

root. But Mr. Scott hastened to assure his audience that his firm was helping to prevent unions from gaining a foothold in that troubled area.

Unions had attempted illicitly to establish themselves, he charged, by persuading workers that the 1964 Civil Rights Act could be circumvented through unionization. The ill effects of this approach, Mr. Scott related, were successfully countered by exposing the union nationals as heavy contributors last year to the Selma-to-Montgomery march protesting Alabama voting rights deprivations.

In briefly touching upon the civil rights situation ("The Trouble") in his native Birmingham, the speaker was "convinced that Birmingham has solved its problems" along with every major community in the South."

Mr. Scott concluded his attempt to dissipate any doubts the Southern students may have had about returning home by getting "down to basics" and calculated the financial advantages of joining a large firm in the Deep South.

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Texans Declare Independence

By Frank L. Simonie

On Wednesday, October 6, a new organization was formed on the Harvard Law School campus. The group, styling itself the Texas and Southwest Club, elected Wayne Huffman, 2L, of Austin, Texas, president.

According to a letter sent by Huffman to students from the Texas and southwest area, the club will be "dedicated to the preservation of the hell-raising spirit of the Southwest."

It would seem that, under the beneficent administration of its new president, the club has a good start in this direction. A television party on October 16, the afternoon of the Texas-Arkansas football game, is the first social event of

the year.

The party will be held at the Business School in conjunction with the Texas and Southwest Club at the Business School (the president of this club is Huffman's brother) and the Wellesley Texas and Southwest Club (which is being formed by Huffman's next door neighbor in Austin).

Other events in the club calendar include a barn dance and suitable celebrations commemorating the Battle of San Jacinto, the second inauguration of "Pappy" O'Daniel, and the "molding of John Brown's body."

Membership in the club is limited to residents of Texas, those states adjacent to Texas, and Kansas, Colorado, and Arizona.

Events of Note

Prof. Albert M. Sacks will conduct a seminar on de facto segregation at a meeting of the Law Wives on Wednesday, Oct. 20, at 8 p.m. in Harkness. Members and their husbands who need rides to the meeting should contact Mrs. Richard Rolapp at 868-0330.

* * * * *

The Law Wives' annual beer party for married law students and their wives is set for Saturday, Oct. 30.

* * * * *

Captain Joseph Dudzik will discuss the Judge Advocate General's Corp on Tuesday, Oct. 19, at 2 p.m. in Langdell South.

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